



Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Eva Hung</b> Palo Alto, CA  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.  This witness may be called by deposition		
<b>Ashish Kelkar</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1.5 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure and costs.		
<b>Scott Lewis</b> California  <b>Deposed:</b> Yes <b>Expected Duration:</b> 2 hr	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		
<b>Sarah Pate</b> California  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1.5 hr	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Jeffery Rothschild</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 2.5 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, infrastructure and costs, Facebook, licensing, and Facebook's industry.		
<b>Sheila Thompson (née Normile)</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1.5 hr	Functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, user behavior and preferences, consumer and market research and surveys, and Facebook's industry.		
<b>Eron Wright</b> Sammamish, WA  <b>Deposed:</b> Yes <b>Expected Duration:</b> 2.5 hr	Point2 Technologies history and activities, including Point2 Technologies's products and website and photo upload facility; Point2 Demo CD; U.S. Patent No. 6,721,802; negotiations with Summit 6 for web-based uploading technology; and due diligence analyses regarding U.S. Patent Nos. 6,721,802; 6,895,557; and 7,765,482.  This witness may be called by deposition		
<b>Peter Yoakum</b> Washington  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1.5 hr	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		

**II. EXPERTS**

<b>Name and Address</b>	<b>Brief Statement of Subject Matter</b>	<b>Sworn</b>	<b>Testified</b>
<b>J. David Cabello, Esq.</b> 20333 S.H. 249, Suite 600 Houston, TX 77070 832-446-2410  <b>Deposed:</b> No <b>Expected Duration:</b> 2.5 hr	Patent Office procedure and practice and issues relating to the unenforceability of U.S. Patent Nos. 6,895,557 and 7,765,482.		
<b>Ward Hanson, Ph.D.</b> Stanford Institute for Economic Policy Research 366 Glavez Stanford University Stanford, CA 94305 650-723-8450  <b>Deposed:</b> No <b>Expected Duration:</b> 2 hr	Facebook's industry and damages.		
<b>Jonathan Putnam, Ph.D.</b> Charles River Associates 200 Clarendon Street Boston, MA 02116 617-425-3000  <b>Deposed:</b> No <b>Expected Duration:</b> 3 hr	Damages.		
<b>V. Thomas Rhyne, Ph.D.</b> Austin, TX 78759 512-219-0849  <b>Deposed:</b> Yes <b>Expected Duration:</b> 3.5 hr	Invalidity of U.S. Patent Nos. 6,895,557 and 7,765,482 and materiality of prior art withheld from the U.S. Patent and Trademark Office during prosecution of U.S. Patent Nos. 6,895,557 and 7,765,482.		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Richard Taylor, Ph.D.</b> School of Information and Computer Sciences Department of Informatics University of California, Irvine Irvine, CA 92697 949-824-6429  <b>Deposed:</b> No <b>Expected Duration:</b> 3.5 hr	Non-Infringement of U.S. Patent Nos. 6,895,557 and 7,765,482 by Facebook; value of the patented technology; and non-infringing alternatives.		

### III. POSSIBLE WITNESSES

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Jeff Amlin</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Jas Athwal</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Doug Beaver</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure and costs.		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Andrew Bosworth</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Robin Fried</b> Prague, Czech Republic  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	History and activities of Summit 6 and predecessor entities, including without limitation U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution.  This witness may be called by deposition		
<b>Cory Furman</b> MacPherson Leslie & Tyerman 1500 Hill Center I 1874 Scarth Street Regina, Saskatchewan S4P 4E9 Canada  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	U.S. Patent No. 6,721,802, including analysis of and prior art to that patent, and negotiations with Summit 6 and predecessor entities.  This witness may be called by deposition		
<b>James Goss</b> Colorado  <b>Deposed:</b> Yes <b>Expected Duration:</b> 15 m	Value of U.S. Patent Nos. 6,895,557, and 7,765,482.  This witness may be called by deposition		
<b>Jackson Gorham</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Lawrence Granatelli</b> Fenwick & West 801 California Street Mountain View, CA 94041 650-988-8500  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	U.S. Patent No. 6,721,802, including analysis of, prior art to, and Summit 6's negotiations and due diligence concerning that patent.  This witness may be called by deposition		
<b>Cipora Herman</b> Los Gatos, CA  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Joseph Hewitt</b> California  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure.  This witness may be called by deposition		
<b>Laban Jackson</b> c/o McKool Smith 300 Crescent Court Suite 1500 Dallas, TX 75201 214-978-4000  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Duane Kobayashi</b> Duane Kobayashi Law Office 1325 Murray Downs Way Reston, VA 20194 703-437-8000  <b>Deposed: Yes</b> <b>Expected Duration: 20 m</b>	Prosecution U.S. Patent Nos. 6,895,557 and 7,765,482 before the United States Patent and Trademark Office.  This witness may be called by deposition		
<b>Sanjeev Kumar</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed: No</b> <b>Expected Duration: 1 hr</b>	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Harry Li</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed: No</b> <b>Expected Duration: 1 hr</b>	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Susan Li</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed: Yes</b> <b>Expected Duration: 2 hr</b>	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Chenen Liang</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed: No</b> <b>Expected Duration: 1 hr</b>	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		



Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Jonathan Liu</b> Sunnyvale, CA  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Eric Mayefsky</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Jeff McCombs</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Finances, marketing, advertising, advertising revenue, and sales by Facebook, Facebook, and Facebook's users.		
<b>Albert Penilla</b> Martine Penilla Group LLP 710 Lakeway Drive Suite 200 Sunnyvale, CA 94085 408-749-6900  <b>Deposed:</b> Yes <b>Expected Duration:</b> 10 m	Prosecution of U.S. Patent No. 7,765,482.  This witness may be called by deposition		
<b>Jonathan Perlow</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Christopher Putnam</b> Austin, TX  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.  This witness may be called by deposition		
<b>Nathanial Roman</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Itamar Rosenn</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook's users, engineering, and infrastructure.		
<b>Zach Scott</b> Point2 Technologies 500-3301 8th Street East Saskatoon, SK S7H 5K5 800-866-1124  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	Point2 Technologies and Point2 Technologies documents.  This witness may be called by deposition		
<b>Jason Sobel</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure and costs.		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Tony Tung</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure.		
<b>Peter Vajgel</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure and costs.		
<b>Scott Wilson</b> c/o McKool Smith 300 Crescent Court Suite 1500 Dallas, TX 75201 214-978-4000  <b>Deposed:</b> Yes <b>Expected Duration:</b> 20 m	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		
<b>Lisa Wood</b> c/o McKool Smith 300 Crescent Court Suite 1500 Dallas, TX 75201 214-978-4000  <b>Deposed:</b> Yes <b>Expected Duration:</b> 1 hr	History and activities of Summit 6 and predecessor entities, including without limitation negotiations with Point2 Technologies for web-based uploading technology; due diligence analyses regarding U.S. Patent Nos. 6,721,802, 6,895,557, and 7,765,482; U.S. Patent Nos. 6,895,557, and 7,765,482 and their prosecution; licensing; and valuation of Summit 6 and predecessor entities and their intellectual property.  This witness may be called by deposition		

Name and Address	Brief Statement of Subject Matter	Sworn	Testified
<b>Joshua Wiseman</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> Yes <b>Expected Duration:</b> 2 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure.		
<b>Yunnan Wu</b> Facebook, Inc. 1601 Willow Road Menlo Park, CA 94025 650-543-4800  <b>Deposed:</b> No <b>Expected Duration:</b> 1 hr	Development, functionality, performance, operation, and use of media upload services, including the accused uploaders, content of and engagement with Facebook, Facebook, Facebook users, engineering, and infrastructure.		

Facebook’s designation of witnesses as “probable” and “possible” is based upon Facebook’s current knowledge as to when trial will be held and the witnesses’ availability, and Facebook’s current understanding of the witnesses and information that Plaintiff, Summit 6 LLC (“Summit 6”) will present and the arguments that Summit 6 will make at trial. Facebook reserves the right to revise and supplement this list based on review and consideration of Summit 6’s witness list; the exact timing and duration of trial; the witnesses’ availability; the identity of witnesses presented by, the information presented by, and the arguments made by Summit 6 at trial; and developments leading up to or during trial. Facebook also reserves the right to call any witness listed on Summit 6’s witness list live at trial. Facebook further reserves the right to call witnesses not identified herein for purposes of authentication, translations, rebuttal, impeachment, or any other permissible purpose.

Dated: January 11, 2013

By: /s/ Deron R. Dacus

OF COUNSEL:

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*Attorneys for Defendant Facebook, Inc.*

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and am employed in Tyler, TX I am over the age of eighteen years, and not a party to the within action. My business address is 821 ESE Loop 323, Suite 430, Tyler, TX 75701. On the date set forth below I served the documents described below in the manner described below:

**FACEBOOK'S TRIAL WITNESS LIST**



(BY ELECTRONIC MAIL) I am personally and readily familiar with the business practice of The Dacus Firm, P.C. for the preparation and processing of documents in portable document format (PDF) for e-mailing, and I caused said documents to be prepared in PDF and then served by electronic mail to the parties listed below.

on the following party in this action:

Douglas Cawley  
Ashley Moore  
Bradley Caldwell  
Theodore Stevenson III  
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Executed on January 11, 2013, at Tyler, TX.

/s/ Deron R. Dacus